

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

NICHOLAS E. BARTYLLA,

Civil No. 10-791 PJS/SRN

Petitioner,

v.

ORDER

STATE OF MINNESOTA,

Respondent.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson dated June 9, 2010. No objections have been filed to that Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

This action is **DISMISSED WITHOUT PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: July 1, 2010.

s/Patrick J. Schiltz
Patrick J. Schiltz
United States District Judge